



FEDERAL BUREAU OF INVESTIGATION

Date of entry 04/19/2019

Elizabeth Miller, former Chief of Staff for former Vermont Governor Peter Shumlin, ~~CONFIDENTIAL~~ 91
~~CONFIDENTIAL~~ was interviewed at the the U.S. Attorney's Office, District of Vermont, 11 Elmwood Avenue, Burlington, Vermont, by Assistant United States Attorneys (AUSA) Paul Van de Graaf and Nicole Cate and FBI Special Agent Jennie Emmons. Miller was represented at the interview by John Kassel, another partner at Dunkiel Saunders.

At the outset of the interview, AUSA Van de Graaf advised that the state has waived attorney/client privilege in regard to Sara London. Miller, thereafter, provided the following information:

Miller became the Vermont Commissioner of Public Safety in January 2011. While in this position, she was not involved in the EB-5 program. In January 2013, Miller became Governor Shumlin's Chief of Staff. As Chief of Staff, she was like a cop at a busy intersection. In this job, she began working on EB-5 matters.

AUSA Van de Graaf read parts of Governor Shumlin's State of the State address regarding the EB-5 program and asked Miller about the Governor's role in the program. Miller advised that it was no different than anything else the Governor was involved in.

After Patricia Moulton came on board around June 2013 (as Secretary of Commerce and Community Development [ACCD]), Miller's involvement in the EB-5 issues picked up. Miller had not known Bill Stenger before this time, and has only spoken to him a handful of times.

AUSA Van de Graaf noted that Ariel Quiros and Governor Shumlin had a bit of a relationship before Miller's arrival. Miller agreed, but noted that she did not have any direct information about their relationship. Miller understood Quiros to be Stenger's silent partner. Quiros never talked.

AUSA Van de Graaf asked Miller about a conference in Miami, for which notes were prepared for the Governor regarding the AnC Bio project in Vermont, and for which Brent Raymond was in contact with Miller's office.

Investigation on: 03/14/2019 at Burlington, Vermont, United States (In Person)

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by EMMONS JENNIE MCGLYNN

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In response, Miller advised that she did not remember anything about this trip. Miller only remembers a trip to China.

Alex MacLean left the state before Miller came to work for the Governor's office (AUSA Cate noted that MacLean left for Jay Peak in early 2013). MacLean was very close with Governor Shumlin. MacLean was his Chief when Shumlin was in the Senate. Governor Shumlin, in general, did his communication directly. Miller is sure that MacLean (after leaving the state) could talk to the Governor without going through her (Miller) first.

The April 2013 meeting involving the Governor, the "Menck guy," the "Korean gentleman," and possibly the "airplane guy," was just a "meet and greet."

Lawrence Miller, while Secretary of ACCD, would have been pulled into the state's health care issues at the time.

AUSA Van de Graaf asked Miller about her perspective of the role of ACCD in monitoring the EB-5 projects. Miller advised she does not remember issues with Jay Peak at the time - the trouble was with the other projects. Miller understood ACCD had a role to vet and monitor projects, but their role and the Regional Center's role evolved over time. An issue that came to light was that ACCD did not have the authority it needed to fulfill this role.

The idea to bring in the Vermont Department of Financial Regulation (DFR) in an oversight role was a collective idea within the Governor's office. The idea did not come from anywhere else. Jeb Spaulding (Governor Shumlin's Secretary of Administration) was involved in the plan. There was a problem with another project at the time.

Miller advised that she does not have specific recollections of her thoughts about the AnC Bio Vermont at the time, but does recall thinking generally, "Wow, this is ambitious."

In 2012, a new AnC Bio Memorandum of Understanding (MOU) was created. The developers were clearly planning to go forward with the biotech facility. It was a campus approach - involving other things coming in. The fact that they packaged AnC Bio Vermont with other things helped the developers.

Miller was on the state government "side of things," not the political side. An economic report had pointed out that the EB-5 projects represented the most economic development in Vermont in decades, if not ever. The EB-5 program in Vermont was about jobs. And, the projects were actually getting built too.

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Miller did not understand Senator Leahy's stake or role in the EB-5 program specifically. She knows he supported the EB-5 projects and had a role in the program's formation. Much later, only when she was about to leave the state, did she have contact with Leahy's office. Miller has no insight into the matter of Stenger pushing Leahy's office.

AUSA Van de Graaf asked Miller about the September 2013 trip to Asia, involving Raymond and others. In response, Miller advised that she did not go on the trip nor did anyone else from her office. The Governor went to promote the Regional Center for the EB-5 program generally. AUSA Van de Graaf showed Miller Raymond's talking points.

In regard to the promotional video for Jay Peak, in which the Governor spoke and used the audit term, Miller does not recall what month the problem came to light, but she does remember what happened after. Miller worked with Lisa Cunin, the Governor's Executive Assistant, to get the video taken down - because the video was not fully accurate. Miller then made sure she saw the transcripts of anything going to the Governor.

AUSA Van de Graaf noted James Candido had given the script for the video to the Governor (according to Sarah London). Miller advised that she was mad about the incident and had been unaware of Candido's role.

In regard to the Governor's stay at Quiros's New York condominium, Miller advised that she is not sure if she knew about the stay at the time it occurred. Miller never had a conversation with the Governor about it. When she read about it in the press, she was surprised. The state protocol is that the Governor's Vermont State Police security detail goes with the Governor on such trips, but Governor Shumlin may not have followed that protocol. If it had been had been a official state trip, the Governor would have had to have taken his security detail.

Miller was shown an email, dated in February 2014 (Bates USAO-EXEC00002365), in which Stenger was putting pressure on the state. Miller advised that it and its contents were not familiar.

Miller was shown an email, dated in February 2014 (Bates USAO-EXEC00004539), from Chris Cole to Miller, regarding the airport plan. Miller advised that she does not remember the airport plan and gets it confused with the Stowe [REDACTED] airport issues. Miller recalls the airport was just another project among others. Miller noted that there was also an airport manufacturer in the mix.

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AUSA Van de Graaf noted that Bill Kelly got an appointment to an airport commission. Miller advised that she did not recall that event, and added that Susan Spaulding made such appointments.

AUSA Van de Graaf observed in fall 2014, ACCD was asking the developer questions and hired a Korean intern. AUSA Van de Graaf further explained that, in May 2014, the problems with AnC Bio Korea were discovered and Stenger and MacLean were confronted with the facts learned about the Korean company. Further, a meeting took place on June 27, 2014 and, thereafter, the AnC Bio Vermont and Burke projects were put on hold. In response, Miller stated that she remembers that in May and June of 2015 Moulton need a lot of support. Moulton had stepped into this situation. There should be related communications from this time.

AUSA Van de Graaf showed Miller a weekly report from Moulton (Bates USAO-EXEC00026784). In response, Miller explained that the commissioners and secretaries submitted reports weekly. At some point Miller's process was to read them and highlight the main points or important items for the Governor. Miller's role was to stay informed and support Moulton. Miller needed to make sure the communications from the state and the state decision making was good - that the decision were to do the right thing. Moulton was trying to navigate the situation.

AUSA Van de Graaf asked Miller if she was a decision maker. In response, Miller stated that was "a tough question," and that the answer would depend on the issue. At some points she needed feedback regarding communications to the developers. It would be wrong to cancel projects without the right information. Letters with deadlines were provided to the developers. This was the Agency's job, but the Governor's office was providing help, to include advice and counsel.

AUSA Van de Graaf showed Miller an August 2, 2014 email (Bates EXEC0004301) from Miller to Jeb Spaulding, and asked about Miller's role in decision-making. In response, Miller advised that she was not making decisions, but rather giving advice. Her job involving facilitating and communicating to help with decisions.

AUSA Van de Graaf showed Miller a weekly report (Bates USAO-EXEC00026926). In response, Miller advised that such weekly reports came from all departments in the state. The developer's strategy was to delay until a crisis point was reached, after which the developer would respond with only 30% of what had been asked for by the state. The state had to grappled with the issue of what to do about that.

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AUSA Van de Graaf showed Miller an email, from Moulton to Miller (Bates USAO-EXEC 00023236), which contained more communication and another weekly report, dated October 10, 2014 (Bates USAO-EXEC00027133). AUSA Van de Graaf asked Miller how the press was influencing the environment. Miller advised that the press outlets thought they were influencing things, but they were not. The press stories were frustrating at the time. Miller tried to let such things roll off her back.

AUSA Van de Graaf showed Miller a weekly report, dated December 12, 2014 (Bates USAO-EXEC000026119), in which the SEC investigation was referenced. Miller advised that she thought the SEC investigation had come up later, in the summer. AUSA Van de Graaf added that the SEC and DFR were not communicating a lot in the beginning, but did more later.

AUSA Van de Graaf pointed out that the MOU got signed in late December 2014 and that tension existed between ACCD and DFR at that time. Miller advised, in regard to the latter, that she did not have navigate that tension. Raymond was upset around the time Miller was leaving the state.

AUSA Van de Graaf showed Miller a February 2015 email (Bates USAO-EXEC00025122), in which two questions were posed: one about the tension between ACCD and DFR, and the other about the approval of the Offering Memorandum. In response, Miller advised that the decision was deferred to ACCD and DFR.

AUSA Van de Graaf showed Miller a weekly report, dated February 13, 2015, from Moulton to the Governor, and a certified letter from Stenger to Miller, dated March 5, 2015 (Bates 5333950), in which Stenger pointed out the risk to the investors. In response to the latter, Miller stated, "That's funny," and "It's not everyday I get letters from Vermont CEOs." Miller noted that she did not remember the letter.

AUSA Van de Graaf asked Miller why the developers were appealing to the Governor and going around Susan Donegan (the Commissioner of DFR). In response, Miller advised that DFR had taken over in January 2015. The same story continued with DFR - DFR was not getting what it had requested from the developers. Miller thought Burke was the bigger pressure point. She remembers DFR did not want to take on the review of ongoing projects, but the Governor's office insisted DFR do so. There may have been a focus on AnC Bio Vermont or Burke - Miller is not sure.

AUSA Van de Graaf noted that DFR and the developer were working out the Offering Memorandum and the escrow agreement at the time, and that the

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Burke jobs were a pressure point because Burke was a ongoing project. Miller agreed, noting Burke was an "economic pressure point" and that the Governor could not go anywhere without a contractor saying something.

AUSA Van de Graaf asked about the March 2015 meeting involving the Governor and the developer. Miller advised that she would not typically make notes of such meetings. She does not recall how the meeting got set up. At the time, Donegan needed to reach an agreement with the developers with terms, and the developer was trying to use the Governor's office to do something different. The meeting was about saying something, in front of the developer, to communicate that Donegan was in charge. Also, collectively, the Governor's office wanted to put up appropriate "guard rails" based on what they knew at the time. The goal was to "unstick" things. The projects had a lot of scrutiny at the time. These sorts of meetings happen to help both sides to come to a decision and, in this case, to let them know who was in charge. Miller recalls the developer had a black binder that supposedly contained everything the state needed from them. Donegan "looked at it and was like, 'No.'"

Miller is positive that Kelly and Stenger were at the meeting and Quiros may have been there. The Governor, Miller, London, Donegan, and possibly Moulton, were present. Jeb Spaulding was not there. At the meeting, Stenger was a "major talker." Miller added that all one needs to do to understand Stenger is to read the letter in which Stenger described the "promise of the project" and the "devastation" that would occur if the state did not allow them to go forward.

Miller is aware of Kelly's role. Kelly spoke at the meeting. Kelly, who is an assertive person, was saying that DFR was overreaching and that all the state needed was in the binder.

That period of time was difficult. After the meeting, DFR was to set up a list of appropriate conditions, such a review of payments and the escrowing of funds, so that DFR could finish their review. Donegan's department fell under Miller's oversight, so Miller met with Donegan about everything.

AUSA Van de Graaf showed Miller an email from Donegan to Miller (Bates USAO-EXEC00025555). Miller advised that she left the state in May 2015, after the legislative session.

Only one more meeting occurred with Governor's office representation. It was a follow-up meeting involving DFR and the developers. The Governor's office was there to make sure the developers were following through on their end. London was at this meeting and Miller attended part of it. Miller believes this meeting took place right after the March one.

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AUSA Van de Graaf showed Miller an email (Bates USAO-EXEC000013639) regarding a meeting. In response, Miller advised that she does not recall attending the whole meeting at the City Center.

Miller recalls Donegan threatening to resign. London spoke to Donegan about this topic and Miller may have. Donegan was under a lot of stress and pressure about the projects, to include being concerned about whether it was the right decision to halt the projects without the right set of facts. Miller recalls wanting to make sure Donegan knew that the Governor had her back. Donegan had been with the Governor's administration from the beginning.

In March 2015, there was a lot of pressure. In April 2015, suspicions about the developer and projects was building, but there were not a lot of facts available.

When Miller left in May 2015, she knew that an investigation was well under way and that matters would come to a head.

Miller received public records requests for records related to the EB-5 trip to China (during which, according to an allegation, a state employee had been arrested). London would have contacted all the appropriate people, to include those at the State Department, to determine if their was truth to the allegation. The allegation could not be substantiated.

Miller does not recall seeing the Governor and Quiros talking outside the aforementioned meeting or observing any "chumminess" between them.

Stenger's lawyer called Miller and asked if Miller could say that Stenger was not driving the March 2015 meeting. Miller told the lawyer that she could not say that Stenger was not driving the meeting.